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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,854	12/21/2001	Paul S. Hellyar	MFCP.90837	1108
5251 7590 10/17/2007 SHOOK, HARDY & BACON LLP INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BLVD KANSAS CITY, MO 64108-2613			EXAMINER KE, PENG	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/027,854

Applicant(s)

HELLYAR ET AL.

Examiner

Peng Ke

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claims 1-24 are pending in this application. Claims 1, 9, 23, and 24 are independent claims. In the Amendment, filed on 8/7/07, claim 24 are added.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 7, 8, 15, 16, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Richard U.S. Patent No. 6,781,611 in view of Krause, U.S. Patent No. 6,160,554.

As per claim 1, Richard teaches a method for use in a computer system, said computer system having a graphical operating system, for switching between a plurality of open application windows, comprising:

monitoring for switching input indicative of a desire to switch from a current open application window to another of the plurality of open application windows (see column 1, lines 36-59);

upon receipt of the switching input, displaying a preview for one of the plurality of open application windows (fig. 5 items 504, 522, 502, 520);

monitoring for display input indicative of a desire to make the displayed preview the new current open application window (fig. 5 items 504, 522, 502, 520); and

upon receipt of the display input, switching the display from the current open application window to the new current open application window (fig. 5 items 504, 522, 502, 520, 510).

Richard fails to teach displaying an extract graphical preview of the content.

Krause teaches displaying an extract graphical preview of the content. (see Krause column 3, lines 28-68)

It would have been obvious to an artisan at the time of the invention to include Krause's teaching with method of Richard in order provide an improved representation of a file.

As per claim 2, which is dependent on claim 1, Richard and Krause teach the method of claim 1. Richard teaches the method of claim 1, further comprising displaying, along with the preview, a text description associated with the preview (fig. 5 items 504, 512, 508, 522, 502, 520, 510). Bloomfield further teaches icons related to applications (fig. 5 items 504, 512, 508, 522, 502, 520, 510). Krause further teaches comprising displaying, along with the preview, an icon and a text description associated with the preview. (see Krause, column 3, lines 7 – 12 and figure 1, item 140).

As per claim 7, which is dependent on claim 1, Richard and Krause teach the method of claim 1 (see rejection above). Richard further teaches a computer-readable medium having computer-executable instructions for performing the method as recited in claim 1 (see col.1, lines 37-58).

As per claim 8, which is dependent on claim 1, Richard and Krause teach the method of claim 1. (Supra) Richard further teaches a computer system having a processor, memory,

display, and an operating environment, the computer system operable to execute the method recited in claim 1 (see Richard, col. 2, lines 1-58).

As per claim 15, which is dependent on claim 1, Richard and Krause teach the method of claim 1. (Supra) Richard further teaches that upon receipt of the switching input, concurrently displaying description information for each of the polarity of open application windows. (see Richard, figure 6, items 512, 508, 514, and 516)

As per claim 16, which is dependent on claim 1, Richard and Krause teach the method of claim 1. (Supra) Richard further teaches that the switching input is independent of any open application. (see Richard, figure 6, item 510)

As per claim 23, Richard teaches a method for use in a computer system, said computer system having a graphical operating system, for switching between a plurality of open application windows, comprising:

monitoring for switching input indicative of a desire to switch from a current open application window to another of the plurality of open application windows (see column 1, lines 36-59);

upon receipt of the switching input, displaying a preview for one of the plurality of open application windows (fig. 5 items 504, 522, 502, 520);

wherein the preview window is displayed adjacent a button in a task bar, the button corresponding with the one of the plurality of open application windows; (fig. 6, items 510, 504)

monitoring for display input indicative of a desire to make the displayed preview the new current open application window (fig. 5 items 504, 522, 502, 520); and

upon receipt of the display input, switching the display from the current open application window to the new current open application window (fig. 5 items 504, 522, 502, 520, 510).

Richard fails to teach displaying an extract graphical preview of the content.

Krause teaches displaying an extract graphical preview of the content. (see Krause column 3, lines 28-68)

It would have been obvious to an artisan at the time of the invention to include Krause's teaching with method of Richard in order provide an improved representation of a file.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Richard U.S. Patent No. 6,781,611 in view of Krause, U.S. Patent No. 6,160,554 further in view of Staab, U.S. Patent No. 5,499,334.

As per claim 3, which is dependent on claim 2, Richard and Krause teach the method of claim 2. Krause and Richard do not teach the method of claim 2 further comprising, upon receipt of the switching input, displaying a preview for each of the plurality of open application windows.

Staab teaches displaying a preview for each of the plurality of open application windows (see Staab, figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Staab with the method of Richard and Krause in order to provide an improved representation of a desktop space.

As per claim 4, which is dependent on claim 3, Richard, Krause and Staab teach the method of claim 3. Richard does not teach the method of claim 3, further comprising displaying,

along with the preview for each of the plurality of open application windows, an icon and a text description associated with a corresponding preview.

Staab teaches displaying a preview for each of the plurality of open application windows (see Staab, figure 4). Krause teaches displaying an icon along with a preview (see Krause, column 3, lines 7 – 12 and figure 1, item 140).

Claim 5, 6, 9, 10, 12 – 14, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Richard U.S. Patent No. 6,781,611 in view of Krause, U.S. Patent No. 6,160,554 further in view of Kitami, U.S. Patent No. 5,668,962.

As per claim 5, which is dependent on claim 1, Richard and Krause teach the method of claim 1. (Supra) However, Richard and Krause do not teach the method wherein each of the plurality of open application windows is ranked according to an activation hierarchy, and wherein the displayed preview is the window immediately succeeding the current open application window in the activation hierarchy. Kitami teaches wherein each of the plurality of open application windows is ranked according to an activation hierarchy (see Kitami, column 4, lines 23 – 29 and lines 55 – 58; windows are activated when they are selected to be loaded into the identifier list, and newly loaded windows are ranked according to activation history because they are added at the end of the identifier list), and wherein a window switched to is the window immediately succeeding the current open application window in the activation hierarchy (see Kitami, column 2, lines 49 – 58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Kitami with the method of Richard and Krause in order to provide a simplified method of selecting a desired window.

As per claim 6, which is dependent on claim 5, Richard, Krause, and Kitami teach the method of claim 5. (Supra) Richard teaches displaying previews of open application windows.

Richard and Krause do not teach the method of claim 5, further comprising: monitoring, after display of the preview, for additional input indicative of a desire to view a preview of the next open application window in the activation hierarchy; and upon receipt of the additional input, displaying a preview for the next open application window in the activation hierarchy.

Kitami teaches monitoring, after displaying a window, for additional input indicative of a desire to view the next open application window in the activation hierarchy; and upon receipt of the additional input, displaying the next open application window in the activation hierarchy (see Kitami, column 2, lines 49 – 62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Kitami with the method of Richard and Krause in order to provide a simplified method of selecting a desired window in a plurality of windows.

As per claim 9, it is of similar scope to claim 5 and is rejected under the same rationale as claim 5. (Supra)

As per claim 10, which is dependent on claim 9, Richard, Krause, and Kitami teach the method of claim 9. (Supra) Richard also teaches the method of claim 1, further comprising displaying, along with the preview, a text description associated with the preview (fig. 5 items 504, 512, 508,522, 502, 520, 510). Richard further teaches icons related to applications (fig. 5 items 504, 512, 508,522, 502, 520, 510).

Krause further teaches displaying an icon along with a preview (see Krause, column 3, lines 7 – 12 and figure 1, item 140).

As per claim 12, it is of similar scope to claim 6 and is rejected under the same rationale as claim 6. (Supra)

As per claim 13, which is dependent on claim 9, Richard, Krause, and Kitami teach the method of claim 9 (Supra). Richard further teaches a computer-readable medium having computer-executable instructions for performing the method as recited in claim 9 (fig. 5 items 504, 512, 508,522, 502, 520, 510).

As per claim 14, which is dependent on claim 9, Richard, Krause, and Kitami teach the method of claim 9. (Supra) Richard further teaches a computer system having a processor, memory, display, and an operating environment, the computer system operable to execute the method recited in claim 9 (fig. 5 items 504, 512, 508,522, 502, 520, 510)

As per claim 18, which is dependent on claim 9, Richard, Krause, and Kitami teach the method of claim 1. (Supra) Richard further teaches that upon receipt of the switching input, concurrently displaying description information for each of the plurality of open application windows. (see Richard, figure 6, items 512, 508, 514, and 516)

As per claim 19, which is dependent on claim 9, Richard, Krause, and Kitami teach the method of claim 1. (Supra) Richard further teaches that the switching input is independent of any open application. (see Richard, figure 6, item 510)

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Richard et al., U.S. Patent No. 6,781,611 in view of Krause, U.S. Patent No. 6,160,554 in view of Kitami, U.S. Patent No. 5,668,962 further in view of Staab, U.S. Patent No. 5,499,334.

As per claim 11, which is dependent on claim 9, Richard, Krause and Kitami teach the method of claim 9. Richard, Krause, and Kitami do not teach the method of claim 9 further comprising, upon receipt of the switching input, displaying a preview for each of the plurality of open application windows.

Staab teaches displaying a preview for each of the plurality of open application windows (see Staab, figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Staab with the method of Richard, Krause and Kitami in order to provide an improved representation of a desktop space.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Richard et al., U.S. Patent No. 6,781,611 in view of Krause, U.S. Patent No. 6,160,554 in view of Pabon, U.S. Patent No. 6,429,855.

As per claim 17, which is dependent on claim 1, Richard and Krause teach the method of claim 1. (Supra) However, they fail to teach wherein the switching input comprises a keyboard input.

Pabon teaches wherein the switching input comprises a keyboard input. (see Pabon column 10 lines 30-44)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Pabon with the method of Krause and Kitami in order to allow a variety of commands to be selected by the user.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Richard et al., U.S. Patent No. 6,781,611 in view of Krause, U.S. Patent No. 6,160,554 further in view of Kitami, U.S. Patent No. 5,668,962, and further in view of Pabon, U.S. Patent No. 6,429,855.

As per claim 20, which is dependent on claim 9, Richard, Krause, and Kitami teach the method of claim 9. (Supra) However, they fail to teach wherein the switching input comprises a keyboard input.

Pabon teaches wherein the switching input comprises a keyboard input. (see Pabon column 10 lines 30-44)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Pabon with the method of Krause and Kitami in order to allow a variety of commands to be selected by the user.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Richard U.S. Patent No. 6,781,611 in view of Krause, U.S. Patent No. 6,160,554 further in view of Swartz 2001/0028368

As per claim 21, Richard and Krause teaches method of claim 1, however they fail to teach wherein the extracted graphical preview represents a screen shot of the content currently within the one of plurality of application windows.

Swartz teaches wherein the extracted graphical preview represents a screen shot of the content currently within the one of plurality of application windows. (paragraph 0029)

It would have been obvious to an artisan at the time of the invention to include Swartz with method of Richard and Krause in order to allow users to preview application window at real time.

Claim 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Richard U.S. Patent No. 6,781,611 in view of Krause, U.S. Patent No. 6,160,554 further in view of Kitami, U.S. Patent No. 5,668,962 further in view of Swartz 2001/0028368

As per claim 22, Richard, Krause, and Kitami teaches method of claim 9, however they fail to teach wherein the extracted graphical preview represents a screen shot of the content currently within the one of plurality of application windows.

Swartz teaches wherein the extracted graphical preview represents a screen shot of the content currently within the one of plurality of application windows. (paragraph 0029)

It would have been obvious to an artisan at the time of the invention to include Swartz with method of Richard, Krause and Kitami in order to allow users to preview application window at real time.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Richard U.S. Patent No. 6,781,611 in view of Krause, U.S. Patent No. 6,160,554 further in view of Swartz 2001/0028368

As per claim 24, Richard teaches a method for use in a computer system, said computer system having a graphical operating system, for switching between a plurality of open application windows, comprising:

monitoring for switching input indicative of a desire to switch from a current open application window to another of the plurality of open application windows (see column 1, lines 36-59);

upon receipt of the switching input, displaying a preview for one of the plurality of open application windows (fig. 5 items 504, 522, 502, 520);

wherein the preview window is displayed adjacent a button in a task bar, the button corresponding with the one of the plurality of open application windows; (fig. 6, items 510, 504)

monitoring for display input indicative of a desire to make the displayed preview the new current open application window (fig. 5 items 504, 522, 502, 520); and

upon receipt of the display input, switching the display from the current open application window to the new current open application window (fig. 5 items 504, 522, 502, 520, 510).

Richard fails to teach displaying an extract graphical preview of the content.

Krause teaches displaying an extract graphical preview of the content. (see Krause column 3, lines 28-68)

It would have been obvious to an artisan at the time of the invention to include Krause's teaching with method of Richard in order provide an improved representation of a file.

However, they fail to teach a live running view.

Swartz teaches a live running view. (Swartz paragraph 0043)

It would have been obvious to an artisan at the time of the invention to include Swartz's teaching with method of Richard and Krause in order to provide users with the most updated view.

Response to Argument

Applicant's arguments filed on 8/7/07 have been fully considered but they are not persuasive.

Applicant's arguments focused on the following:

- 1) There is no motivation to combine Richard and Krause.
- 2) There is no reasonable expectation of success for the combination of Richard and Krause.
- 3) Richard and Krause fail to teach "displaying an extracted graphical preview of the content for one of the plurality of open application windows."

Examiner disagrees.

1) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071,

5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Krause provided a motivation to display a graphical preview of Richard's un-displayed open application window, and that is to fill the "need for a fast, convenient, and reliable technique for determining the contents or intended used of" the application window "with out depending upon the name of" the window. (Krause, column 1, lines 42-50) Richard allows users to preview the open application windows with their names, (Richard, column 3, lines 35-45); and that is precisely what Krause is trying to correct. (Krause, column 1, lines 42-50)

Furthermore, the combination of Krause and Richard does not teach away from Krause's teaching. (see Richard column 1, lines 36-59) Krause is trying to solve two problems: 1) determining the contents of a file without depending upon the name of file and 2) determining the contents of a file without launching an application capable of reading the file. (Krause, column 1, lines 42-50) Because Richard clearly has the first deficiency, identifying the open application windows with their names, the combination does not teach away from Krause's teachings. Although Richard also discloses the second problem, it does not stop Krause from solving the first problem because the two problems are unrelated. (Krause, column 1, lines 42-50)

2) There is a reasonable expectation of success because Richard's preview panel (figure 5, item 510) would simply be replaced by Krause graphical preview window (figure1, item 145). Furthermore, Krause does not teach away from Richard because in both reference the inventors are trying to provide additional information for the end users. Even if one reference is designed

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for opened application and the other is designed for unopened file, the open status of the application file is not relevant because in both patents the files are hidden in the interface. And both patents are providing their own solution to this problem. Therefore, there is a reasonable expectation of success to replace one solution with another.

3) Richard teaches this limitation because the preview files are included in an open application. (figure 5, items, 504 and 502)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke

/Steven P. Sax/
Steven P. Sax